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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,800	12/02/2003	Carolyn L. Slone	US20020354	3345
173	7590	08/18/2006	EXAMINER	
WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/725,800		SLONE, CAROLYN L.	
	Examiner		Art Unit	
	Theresa T. Snider		1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 38 (page 9, line 14). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because figure 9, '78' appears to be directed to a switch however on page 12, line 19 and figure 7 it is directed to a step where the suction nozzle is to be mounted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 10, line 2, 'zone16' should be replaced with 'zone 16'.

Appropriate correction is required.

Claim Objections

4. Claims 1-12, 5, 16 and 27 are objected to because of the following informalities:

Exemplary of such:

Claims 1 and 7, line 1, 'The' should be replaced with 'A'.

Claim 5, line 2, 'of the' should be deleted.

Claim 16, line 2, 'and' should be inserted after 'seat'.

Claim 27, line 1, 'a' should be inserted after 'of'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, lines 6-7, is the hose placed in the space or is the space just selected?

Claim 7, line 7-9, is the hose placed in the space or is the space just selected?

Claim 13, line 1 recites a 'vacuum cleaning apparatus' however the claim fails to recite any source of vacuum;

Line 2, it is unclear as to what is meant by 'cleaning unit means...for storing said portable unit'. The means stores itself? Is the 'unit means' different than the 'portable unit'?

Claim 14, line 1, 'portable cleaning' should be inserted after 'The';

Line 2, 'last mentioned means' should be replaced with the proper means; 'disabling means'?

Claim 15, line 2, 'said motor' lacks proper antecedent basis;

Line 2, 'last mentioned means' should be replaced with the proper means; 'disabling means'?

Claim 16, line 2, 'cleaning unit' lacks proper antecedent basis.

Claim 17, line 2, 'cleaning unit' lacks proper antecedent basis.

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Claim 18, line 1 recites a 'vacuum cleaning system' however the claim fails to recite any source of vacuum;

Line 3, it is unclear as to what is meant by 'hose being adapted to be mounted'. Is the hose is mounted on the reel or just able to be mounted on the reel?

Line 4, it is unclear as to what is meant by 'space...for said reel'. Is the reel in the space?

Line 5, it is unclear as to what is meant by 'preventing said from being removed from said storage space'. The hose has not been positively recited to be located in the space. If it is in the space, is it located on the reel or just lying in the space?

Claim 19, line 1, 'last mentioned means' should be replaced with the proper means; 'automatic means'?

Claim 20, line 1, 'last mentioned means' should be replaced with the proper means; 'automatic means'?

Claim 21, line 1, the 'means' is missing a 'for' statement that provides the function of the 'means'.

Claim 23, line 2, 'said vacuum cleaning system' should be replaced with the appropriate element that it comprises. Which element is it activating and deactivating? The reel?

Claim 24, line 1, recites a 'vacuum cleaning system' however the claim fails to recite any source of vacuum;

Line 3, it is unclear as to what is meant by 'space...for said flexible vacuum hose. Is the hose in the space?

Claim 26, line 2, 'said vacuum cleaning system' should be replaced with the appropriate element that it comprises. Which element is it activating and deactivating? The hose?

Claim 27, line 1, recites a 'vacuum cleaning system' however the claim fails to recite any source of vacuum;

Line 7, it is unclear as to what is meant by 'space...for said flexible vacuum hose. Is the hose in the space?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 7-8, 13-14, 16 and 24-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee et al..

With respect to claims 7 and 13, Lee et al. discloses a portable vacuum cleaning unit (fig. 6, #56). Lee et al. discloses a power supply for the unit (col. 6, lines 7-10). Lee et al. discloses a means for disabling the unit (col. 5, lines 45-47).

With respect to claim 8, Lee et al. discloses the internal surface is between the driver seat and the passenger seat (fig. 6, #56,46).

With respect to claim 14, Lee et al. discloses the power supply is provided by a power cord connected to the electrical system of the vehicle (col. 6, lines 7-10).

With respect to claim 16, Lee et al. discloses the cleaning unit within the reach zone of the driver seat and having a length of hose (fig. 6, #56,72,46).

With respect to claim 24, Lee et al. discloses a length of flexible vacuum hose (fig. 5, #52, fig. 9, #72). Lee et al. discloses a storage space in a vehicle for the hose (fig. 5, #50, fig. 9, #56). Lee et al. discloses a means preventing the hose from being withdrawn from the space when the vehicle is in drive mode (fig. 5, trunk lid, fig. 9, #58).

With respect to claim 25, Lee et al. discloses the length of hose sufficiently long to reach around the reach zone (fig. 5, #52)

With respect to claim 26, Lee et al. discloses controls within the reach zone to activate and deactivate the vacuum cleaning system (col. 5, lines 45-47).

With respect to claim 27, Lee et al. discloses a length of flexible vacuum hose fixed to the vehicle at one end (fig. 5, #52,22). Lee et al. discloses a storage space in the vehicle for the hose (fig. 5, #50). Lee et al. discloses a locking means for preventing the hose from being withdrawn from the space (fig. 5, trunk lid which locks). Lee et al. discloses a controls means for disabling the locking means being located in a reach zone of the driver (trunk release latch that is known to be present in vehicles).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al..

Lee et al. discloses a similar method however fails to disclose the various internal surfaces.

Lee et al. discloses placing the unit in any convenient location within the interior compartment of the vehicle (col. 6, lines 3-5). It would have been obvious to one of ordinary skill in the art to determine the most appropriate 'convenient location' in Lee et al. to allow for the roomiest storage space for the unit while still allowing for ease in accessibility.

12. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Sepke and Iaciofano et al..

Lee et al. discloses a similar system however fails to disclose a reel.

Lee et al. discloses a length of vacuum hose (fig. 5, #52, fig. 9, #72).

Sepke discloses a reel for storage of a length of vacuum hose (fig. 1). It would have been obvious to one of ordinary skill in the art to provide the reel of Sepke in Lee et al. to allow for storage of the length of hose of Lee et al. in a minimum of space.

Lee et al. discloses a storage space in a vehicle for the hose (fig. 5, #50, fig. 9, #56).

With respect to claims 18-20, Iaciofano et al. discloses a reel for a hose having an automatic means for preventing the hose from being removed from the reel (abstract). It would have been obvious to one of ordinary skill in the art to provide the automatic means of Iaciofano et al. in Lee et al. in view of Sepke to prevent the hose from becoming unwound while in the storage space.

With respect to claim 21, Iaciofano et al. discloses a means for disabling the automatic means (col. 3, lines 19-20).

With respect to claim 22, Lee et al. discloses the length of hose sufficiently long to reach around the reach zone (fig. 5, #52)

With respect to claim 23, Lee et al. discloses controls within the reach zone to activate and deactivate the vacuum cleaning system (col. 5, lines 45-47).

Allowable Subject Matter

13. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. Claims 2-6, 15 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a method of designing and constructing a vacuum cleaning system for an automotive vehicle that locates an internal surface of the vehicle within a reach zone of the driver, provides a length of suction hose, provides a vacuum supply and provides controls to activate and deactivate the vacuum system within the zone HOWEVER fails to disclose or fairly suggest the further inclusion of a means for disabling the vacuum system while the vehicle is in motion.

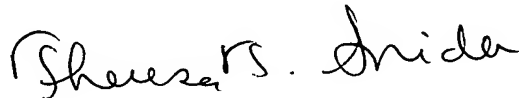
Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hockin discloses a vacuum cleaning system contained with an automotive vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Theresa T. Snider". The signature is written in a cursive, flowing style.

Theresa T. Snider
Primary Examiner
Art Unit 1744

8/14/06